

## REMARKS

Claims 1-52 are pending in the present Application and all claims currently stand rejected. In this Response to Office Action, claims 1, 21, 41-42, 44-47, 49, and 52 are amended herein. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

### Rejection under 35 U.S.C. §112, First Paragraph

On page 10 of the Office Action, the Examiner indicates that claims 49 and 52 are rejected for failing to comply with both the written description requirement. With regard to claim 49, the Examiner refers to the language regarding “a label amplitude” and “a label duration, and states that “[n]either limitation is properly supported . . . each limitation comprises new matter.” Applicants respectfully traverse.

Applicants direct the Examiner to their Specification, page 15, lines 23-29, which explicitly discloses “certain pre-determined criteria such as label amplitude or label duration.” In addition, Applicants also direct the Examiner to page 14, line 23, through page 15, line 18, of the Specification which describes how the labels are derived from input speech data that has such variable parameters. For example, page 15, lines 13-14, discusses the narration as “having a relatively greater volume/amplitude than other ambient sound.” Furthermore, page 11, lines 5-7, discusses processing the narration with an endpoint detector “to indicate the beginning and the end of an utterance in time.” In the present

Amendment, Applicants have further amended claim 49 to hopefully recite these limitations in a manner that is more acceptable to the Examiner.

With regard to claim 52, the Examiner cites the “head-mounted sound-sensor device that is worn in close proximity to said narrator” as new matter. Applicants respectfully traverse. Applicants direct the Examiner to page 15, lines 2-3, of their Specification which expressly discloses that the sound sensor “may be implemented as a wireless/wired head-mounted sound sensor device.” In the present Amendment, Applicants have amended claim 52 to hopefully recite these limitations in a manner that is more acceptable to the Examiner. In view of the foregoing remarks and amendments, Applicants believe that the Examiner’s rejections are addressed, and respectfully requests that the rejections under 35 U.S.C. §112, first paragraph, be withdrawn so that claims 49 and 52 may issue in a timely manner.

#### Rejection under 35 U.S.C. §112, Second Paragraph

On page 11 of the Office Action, the Examiner indicates that claim 49 is rejected for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner refers to the language regarding “a label amplitude” and “a label duration.” Applicants respectfully traverse. Applicants direct the Examiner to their Specification, page 15, lines 23-29, which explicitly discloses “certain pre-determined criteria such as label amplitude or label duration.” In addition, Applicants also direct the Examiner to page 14, line 23, through page 15, line 18, of the Specification which

describes how the labels are derived from input speech data that has such variable parameters.

In the Office Action, the Examiner states that these terms would not be understood by one of ordinary skill in the art. Applicants submit that the terms “amplitude” and “duration” are standard parameters for electronic signals, and as such, would readily understood by someone skilled in the art. Applicants further submit that the Specification clearly describes how the labels are derived from recorded speech data that has both amplitude and duration.

Applicants further submit that standard analog-to-digital conversion procedures routinely convert analog signals into digitally-encoded signals that include information that represents both the amplitude and the duration of the original signals. For example, a digital audio signal may readily be characterized by a duration parameter that varies depending upon how long the corresponding original narration was.

In the present Amendment, Applicants have amended claim 49 to hopefully recite these limitations in a manner that is more acceptable to the Examiner. In view of the foregoing remarks and amendments, Applicants believe that the Examiner’s rejection is addressed, and respectfully requests that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn so that claim 49 may issue in a timely manner.

35 U.S.C. § 103

On page 13 of the Office Action, the Examiner rejects claims 1-2, 4-6, 8-10, 15-17, 21-22, 24, 28, 30, 35-37, 41-47, and 50-51 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0101156 to Newman in view of U.S Patent No. 6,434,520 to Kanevsky et al. (hereafter Kanevsky). The Applicants respectfully traverse these rejections for at least the following reasons. Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) which requires that certain basic criteria must be met.

In particular, Applicants submit that the cited prior art reference (or references when combined) should teach all the claim limitations recited by Applicants. The initial burden is therefore on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a). Applicants submit that this burden has not been adequately met because the cited prior art fails to teach all of Applicants' claimed limitations.

Regarding the Examiner's rejections of independent claims 1, 21, and 41-47, Applicants respond to the Examiner's §103 rejections as if applied to similarly amended independent claims 1, 21, and 41-47. For example, amended independent claim 1 is now amended to recite "*said labels being text conversions of utterances in said narration, said labels being specifically aligned with corresponding ones of said respective subject matter locations within said audio/video data*" and "*a label search mode for utilizing said labels to automatically locate said respective subject matter locations in said audio/video*

*data” and “said label manager also controlling a label search mode that utilizes said labels to automatically locate said respective subject matter locations in said audio/video data, said labels being **displayed** in said label search mode for a device user to select for automatically locating said respective subject matter locations”* (emphasis added), which are limitations that are not taught or suggested either by the cited references, or by the Examiner’s citations thereto.

Newman teaches recording audio or video information to depict conditions during corresponding data measurements of oilfield operations (see paragraph 0012). However, Newman nowhere discloses creating text labels from a user narration specifically “*for utilizing said labels to automatically locate said respective subject matter locations in said audio/video data*” (emphasis added), as claimed by Applicants. On the contrary, Newman’s audio recording is merely a contemporaneous description of an oil-drilling operation.

The audio recording of Newman is nowhere used for performing any sort of an automatic label search operation. Applicants therefore submit that Newman fails to teach “*a label search mode for utilizing said labels to automatically locate said respective subject matter locations in said audio/video data*” (emphasis added), as claimed by Applicants. Furthermore, Applicants submit that Newman fails to teach utilizing a speech recognition engine to generate search labels for use in the label search mode. The only mention of speech recognition in Newman is two short sentences at the end of paragraph 0017.

Paragraph 0017 of Newman briefly mentions that text files may be used for “reporting” or may be “displayed.” No mention is made of any type of automatic

label search procedure. Applicants therefore submit that Newman fails to teach “a speech recognition engine that automatically performs a speech recognition process upon said narration to generate labels that correspond to said respective subject matter locations in said audio/video data, said labels being text conversions of utterances in said narration, said labels being specifically aligned with corresponding ones of said respective subject matter locations within said audio/video data” (emphasis added), as claimed by Applicants.

Applicants further submit that Newman fails to teach many of the specific details of their claimed “label search mode.” For example, Newman fails to teach using a speech recognizer to create text labels from a concurrently captured narration to thereby associate the labels with specific locations in A/V data, and then “utilizing said labels to automatically locate said respective subject matter locations in said audio/video data” (emphasis added).

In order to address the foregoing deficiencies in Newman, the Examiner cites to Kanevsky in support of these rejections. Applicants respectfully traverse. Kanevsky teaches indexing divided “segments” of an audio file with “tags” that correspond to the identity of the speaker, the background sounds, and a transcription of any recorded conversation that was randomly captured in the audio data (see column 1, lines 41-67).

However, Applicants submit that Kanevsky fails to teach a narration that is created by a narrator specifically to produce “labels” for performing search procedure. In particular, Applicants submit that the generic “transcription” of Kanevsky is significantly different than Applicants’ intentionally-created and

specifically-targeted “labels.” Similarly, randomly formulating a “query” to search for audio segments is substantially different than reviewing and selecting previously-created text “labels” to initiate an automatic search for a precise location in recorded video.

For at least the foregoing reasons, Applicants submit that neither of the cited references teach or claim “said labels being **displayed** in said label search mode for a device user to select for automatically locating said respective subject matter locations,” as claimed by Applicants. Applicants therefore respectfully request reconsideration and withdrawal of the rejections of independent claims 1, 21, and 41-47.

Regarding the Examiner’s rejection of dependent claims 2, 4-6, 8-10, 15-17, 22, 24, 28, 30, 35-37, and 50-51, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 2, 4-6, 8-10, 15-17, 22, 24, 28, 30, 35-37, and 50-51, so that these claims may issue in a timely manner.

With further regard to the rejections of numerous claims in the present Application (e.g. claims 1, 5-6, 9, 21, 41-47, 48, and 51), the Examiner repeatedly states that certain claimed limitations are inherent, well-known, or predictable. Applicants respectfully traverse. Applicants respectfully submit that their unique

solution of utilizing a narrator and speech recognition to generate search labels for automatically locating desired locations in a video recording indicates the clear existence of secondary indicia of non-obviousness.

For example, other entities and individuals in analogous arts have failed to successfully overcome the foregoing problems in the manner disclosed by Applicants, and there apparently has thus been a long-felt need for Applicants' solution in the relevant technological field. Applicants therefore submit that their claimed invention was not predictable to one skilled in the art at the time of the invention.

For at least the foregoing reasons, the Applicants submit that claims 1-2, 4-6, 8-10, 15-17, 21-22, 24, 28, 30, 35-37, 41-47, and 50-51 are not unpatentable under 35 U.S.C. §103 over cited references, and that the rejections under 35 U.S.C. §103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 1-2, 4-6, 8-10, 15-17, 21-22, 24, 28, 30, 35-37, 41-47, and 50-51 under 35 U.S.C. § 103.

On page 22 of the Office Action, the Examiner rejects claims 3, 14, 18-20, 23, 34, and 38-40 under 35 U.S.C. §103 as being unpatentable over Newman and Kanevsky in view of U.S. Patent Publication No. 2003/0144843 to Belrose. The Applicants respectfully traverse these rejections for at least the following reasons.

Belrose teaches using a speech recognizer to send "queries" for retrieving sound files related to a picture image" (see page 3, paragraph 0047). Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness



under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined should teach all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 3, 14, 18-20, 23, 34, and 38-40, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims 3, 14, 18-20, 23, 34, and 38-40, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claims 3, 14, 18-20, 23, 34, and 38-40 are not unpatentable under 35 U.S.C. §103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 3, 14, 18-20, 23, 34, and 38-40 under 35 U.S.C. § 103.

On page 26 of the Office Action, the Examiner rejects claims 7, 12-13, 27, and 32-33 under 35 U.S.C. §103 as being unpatentable over Newman and Kanevsky in view of U.S. Patent Publication No. 2002/0067859 to Nicholson et al. (hereafter Nicholson). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for

a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined should teach all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 7, 12-13, 27, and 32-33, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims 7, 12-13, 27, and 32-33, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

Furthermore, Nicholson is limited to teaching an obscure processing technique for "creating a hybrid data structure describing recognized and unrecognized objects." In particular, Nicholson teaches dividing a "bitmap" into identifiable and non-identifiable objects" (see column 1, paragraphs 0009-0010).

Applicants submit that Nicholson is not directed toward any field of endeavor that remotely resembles that of Applicants' invention. For example, Nicholson does not pertain to any sort of digital videography techniques. In addition, Nicholson fails to teach automatically generating Applicants' claimed "labels" by utilizing a "speech recognition engine." Furthermore, Nicholson nowhere teaches utilizing the converted labels for locating corresponding recorded video information. Applicants therefore submit that Nicholson is non-analogous art, and is therefore not relevant with respect to Applicants' claimed invention.

For at least the foregoing reasons, the Applicants submit that claims 7, 12-13, 27, and 32-33 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 7, 12-13, 27, and 32-33 under 35 U.S.C. § 103.

On page 28 of the Office Action, the Examiner rejects claims 11, 31, and 48 under 35 U.S.C. § 103 as being unpatentable over Newman in view of U.S. Patent Publication No. 2004/0008209 to Adams. The Applicants respectfully traverse these rejections for at least the following reasons.

Adams teaches a “multi-media photo album” that allows a user to manually select stored audio data corresponding to a given photograph (see page 4, paragraph 0096). Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined should teach all the claim limitations.” The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner’s rejection of dependent claims 11, 31, and 48, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims 11, 31, and 48, when viewed through or in combination

with the limitations of the respective independent claims, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claims 11, 31, and 48 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 11, 31, and 48 under 35 U.S.C. § 103.

On page 30 of the Office Action, the Examiner rejects claim 52 under 35 U.S.C. § 103 as being unpatentable over Newman and Kanevsky in view of U.S. Patent No. 6,538,623 to Parnian et al. (hereafter Parnian). The Applicants respectfully traverse these rejections for at least the following reasons.

Regarding the Examiner's rejection of dependent claim 52, for at least the reasons that this claim is dependent from an independent claim whose limitations are not identically taught or suggested, the limitations of dependent claim 52, when viewed through or in combination with the limitations of the respective independent claim, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claim 52 is not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claim 52 under 35 U.S.C. § 103.

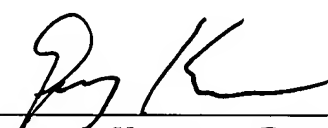
### Summary

Applicants submit that the foregoing amendments and remarks overcome the Examiner's various rejections. Because the cited references, and the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-52 so that the present Application may issue in a timely manner. If there are any questions concerning this Response, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

Date: 10/19/09

By: \_\_\_\_\_

  
Gregory J. Koerner, Reg. No. 38,519  
Redwood Patent Law  
1291 East Hillsdale Blvd., Suite 205  
Foster City, CA 94404  
Tel: (650) 358-4000